

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, three Variances and Site Plan Review
BZZ-2345

Date: June 27, 2005

Applicant: Troy Mathwig

Address of Property: 3104 and 3106 West Lake Street

Project Name: Calhoun Condominiums

Contact Person and Phone: Gretchen Camp with BKV Group, Inc., (612) 339-3752

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: May 13, 2005

End of 60-Day Decision Period: July 12, 2005

End of 120-Day Decision Period: Not applicable for this application

Ward: 7 Neighborhood Organization: Cedar Isles Dean Neighborhood Association

Existing Zoning: C2, Neighborhood Corridor Commercial District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 23

Legal Description: Not applicable for this application

Proposed Use: 123-unit condominium development

Concurrent Review:

Conditional use permit: for a Planned Residential Development

Variance: to reduce the east interior side yard setback from the required 13 feet to a distance ranging between 7 feet and 13 feet for portions of the building, patios and balconies

Variance: to reduce the west interior side yard setback from the required 13 feet to a distance ranging between 7 feet and 13 feet for portions of the building, patios and balconies

Variance: to reduce the rear yard setback along the north property line from the required 13 feet to 10 feet for patios and balconies

Site plan review

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including

permitting obstructions into required yards not allowed by the applicable regulations”; and Chapter 530, Site Plan Review.

Background: The site is currently occupied by two commercial buildings and a continuous parking lot along the west side of the site. The applicant is proposing to demolish both of the buildings and construct a 123-unit condominium/townhouse development. There will be a total of 118 condominiums and 5 townhouses. There will be a total of 167 parking spaces located in an underground parking garage and 25 surface parking spaces for visitors. The building has been designed to look like two buildings with a 3-story link connecting the two buildings. The link is located two stories above grade. For zoning code purposes it is truly one structure.

Travel Demand Management Plan: The Public Works Department asked the applicant to prepare a discretionary TDM plan for this development. The TDM plan was originally written in December of 2004. It was recently revised in April of this year to reflect preliminary comments of the Public Works Department and revisions made to the design of the development. Outcomes of the TDM plan include; providing one bicycle space for every dwelling unit within the building, facilitating the sale of transit passes and if feasible, at a discounted rate, not providing free parking for the residents and any excess parking spaces shall only be sold to residents of the development. At this time, the TDM plan has not been signed. Also note, that as a result of studying this site it has been determined that there will only be one access drive leading into and out of this site from West Lake Street.

CONDITIONAL USE PERMIT - for a Planned Residential Development

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Staff does not believe that a 123-unit condominium development will be detrimental to the surrounding area. The proposed development complements other uses in the area. The additional residential units will strengthen the owner-occupied base within the neighborhood. According to the 2000 Census, approximately 45 percent of the dwellings in the Cedar-Isles-Dean Neighborhood are rental. The additional residential units will also help support the existing mix of commercial uses in the area as well as the cultural amenities.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Department does not believe that a 123-unit, for-sale condominium development would be injurious to the use and enjoyment of other property in the area. Utilizing the site for a 123-unit, for-

sale condominium development would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The development has a parking requirement of 123 spaces. The applicant proposes to have 167 parking spaces located in an underground parking garage. In addition, there will be 25 surface parking spaces for visitors.

5. Is consistent with the applicable policies of the comprehensive plan.

The site is designated as services - commercial in the comprehensive plan. This site is located on West Lake Street which is a designated Commercial Corridor. In addition, the site is located on the south side of the Midtown Greenway, an existing greenway. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5)
- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services (Policy 9.28).
- Support a mix of uses on Commercial Corridors – such as retail sales, office, institutional, higher-density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street (Implementation Step for Policy 9.28).

The applicant is proposing to demolish 2 commercial buildings and construct a 123-unit, for-sale condominium development. The site is located on a designated Commercial Corridor where the plan calls for higher-density housing developments to be located.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

Exceptions to Zoning Ordinance Standards: Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

Placement of Structures: In a Planned Unit Development there may be more than one principal structure located on a lot. There will be one lot in this development and one building.

Bulk Regulations:

Floor Area: The maximum FAR in the C2 zoning district is 1.7. In a Planned Unit Development the FAR may be increased up to 20 percent. With the 20 percent bonus the maximum FAR is 2.04. Please note that section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would also result in a FAR of 2.04. The lot in question is 93,210 square feet in area. The applicant proposes 188,720 square feet of gross floor area, an FAR of 2.02.

Building Height: The height requirement in the C2 zoning district is 4 stories or 56 feet, whichever is less. However, the property is also located within 1,000 feet of the high-water mark of Lake Calhoun and is therefore subject to the height requirements of the SH Shoreland Overlay District, which is 2.5 stories or 35 feet, whichever is less.

The purpose of the SH Shoreland Overlay District is established to “preserve and enhance the environmental qualities of the surface waters and the natural and economic values of Shoreland areas within the city, to provide for the efficient and beneficial utilizations of those waters and Shoreland area, to comply with the requirements of state law regarding the management of Shoreland areas, and to protect the public health, safety and welfare”. In this case, between the site and the edge of Lake Calhoun is West Calhoun Parkway, a 4.8 acre office building site and Excelsior Boulevard/West Lake Street. The increased height of this development will not impact the Shoreland of Lake Calhoun.

The height of the proposed building is 5 stories. The building measures 60 feet to the midpoint of the roof. The roof that is being used to measure the overall height of the building is located over the link portion of the building in the middle of the site. The height of the building, when measured to the top of the roof closest to Lake Calhoun is 56 feet. The height of the building, when measured to the top of the roof closest to the Midtown Greenway is 27 feet as this is the location on the site where the townhouses are located. The taller portion of the building is setback between 60 and 110 feet from the north property line. Given the placement of the building on the site, the increased height of this development should not impact the adjacent open space or any adjacent residential properties.

Lot Requirements:

Generally: The minimum lot area for a Planned Unit Development in the C2 zoning district is two acres. This site is 93,215 square feet (2.15 acres).

Density Bonus: The minimum lot area per dwelling unit in the C2 zoning district is 900 square feet. In a Planned Unit Development the minimum lot area per dwelling unit may be reduced up to twenty percent. With the 20 percent bonus the minimum lot area per dwelling unit is 720 square feet. Please note that section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when

calculated, would also result in a minimum lot area of 720 square feet per dwelling unit. With 123 proposed dwelling units on a lot of 93,210 square feet, the applicant proposes 757 square feet of lot area per dwelling unit.

Yards: This development is located in the C2 zoning district. For residential uses with windows facing the interior side or rear yard property line the setback is $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these three sides of the building is 13 feet. The applicant is proposing to vary these setbacks.

On-Premise Signs: The applicant has indicated that there will be a monument sign located on the site but the location and size of it has not yet been determined. Please note that a sign plan and permits are required before signage may be installed.

Off-Street Parking and Loading: The zoning code requires 1 parking space per dwelling unit in the C2 District, resulting in a requirement of 123 spaces for a 123-unit building. The applicant proposes to have 167 parking spaces located in an underground parking garage. In addition, there will be 25 surface parking spaces for visitors.

VARIANCE - to reduce the east interior side yard setback from the required 13 feet to a distance ranging between 7 feet and 13 feet for portions of the building, patios and balconies

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

East interior side yard setback: The applicant is seeking a variance to reduce the east interior side yard setback from the required 13 feet to a distance ranging between 7 feet and 13 feet for portions of the building, patios and balconies. The applicant has indicated that the site is 135 feet wide and 715 feet long. In order to maintain an urban street presence and provide amply pedestrian and vehicular circulation on the site portions of the building and the patios and balconies need to be located closer to the east interior property line than the zoning code allows. Please note that this variance applies to the entire front portion of the building (Building A) and the southeast corner of the townhouse portion of the building. The interior side yard setback is determined by the overall height of the building. If the interior side yard setback for the townhouse portion of the building were determined by the height of the townhomes the setback would be 7 feet. If this was the case there would be no need for a setback variance as the townhouses are located 9 feet from the east interior property line.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

East interior side yard setback: The Planning Division finds no unique circumstance of this parcel of land that would warrant the granting of the variance for the entire front portion of the building.

Although the lot may seem narrow in comparison to its width, a 135-foot wide lot is by no means narrow in the City of Minneapolis. However, the fact that the building has been designed with a 2-story structure on the rear portion of the site is a unique circumstance.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

East interior side yard setback: The intent of the ordinance is to provide a setback for residential buildings where a building could be built along the property line on an adjacent parcel in order to provide adequate light, air, open space, and separation of uses. This is to prevent a situation where a building would be built on an adjacent parcel blocking the windows. There is an existing building located on the front portion of the adjacent lot to the east. The closest portion of this building is located 12 feet from the interior property line. The granting of the variance for the townhouses will not significantly affect the essential character of the area given that the structure is only 2 stories.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

East interior side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the west interior side yard setback from the required 13 feet to a distance ranging between 7 feet and 13 feet for portions of the building, patios and balconies

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

West interior side yard setback: The applicant is seeking a variance to reduce the west interior side yard setback from the required 13 feet to a distance ranging between 7 feet and 13 feet for portions of the building, patios and balconies. The applicant has indicated that the site is 135 feet wide and 715 feet long. In order to maintain an urban street presence and provide amply pedestrian and vehicular circulation on the site portions of the building and the patios and balconies need to be located closer to the west interior property line than the zoning code allows. Please note that this variance only applies to the entire back portion of the building (Building B and Townhouses).

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

West interior side yard setback: The Planning Division finds no unique circumstance of this parcel of land that would warrant the granting of the variance. Although the lot may seem narrow in comparison to its width, a 135-foot wide lot is by no means narrow in the City of Minneapolis.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

West interior side yard setback: The intent of the ordinance is to provide a setback for residential buildings where a building could be built along the property line on an adjacent parcel in order to provide adequate light, air, open space, and separation of uses. This is to prevent a situation where a building would be built on an adjacent parcel blocking the windows. Although there is no building proposed to be built on the back portion of the adjacent lot to the west there could be in the future which could impact the proposed development if the setback was reduced.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

West interior side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

VARIANCE - to reduce the rear yard setback along the north property line from the required 13 feet to 10 feet for patios and balconies

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback along the north property line from the required 13 feet to 10 feet for patios and balconies. The rear yard setback is determined by the overall height of the building. The taller portion of the building is setback between 60 and 110 feet from the north property line. If the rear yard setback were determined by the height of the townhomes the setback would be 7 feet. If this was the case there would be no need for a setback variance.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Rear yard setback: The fact that the building has been designed with a 2-story structure on the rear portion of the site is a unique circumstance. The rear property line is set at an angle. Given this, the taller portion of the building is located between 60 and 110 feet from the rear property line.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Rear yard setback: The granting of the variance will not significantly affect the essential character of the area given that the structure located in the rear 60 to 110 feet of the site is only 2 stories. Located on the north side of the Midtown Greenway there are other townhouse developments that are of a similar height.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Rear yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed number of parking spaces be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.

- c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
- Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

PLANNING DEPARTMENT RESPONSE:

- The building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The front wall of the building will be located between 20 feet and 24 feet from the front property line. There will be landscaping located between the building and the front property line.
- The principal entrance to the building faces the west interior property line and is setback 52 feet from the front property line along West Lake Street. The Planning Division is recommending that the front entrance to the building be designed to face West Lake Street instead of the west interior property line. Given the grade change on the site the door is elevated approximately 7 feet above the sidewalk. The sides of the stairways leading from the public sidewalk along West Lake Street to the front entrance are made of a solid material. In order to allow views through the stairway, the Planning Division is recommending that the walls be made of the same metal material as the balconies or of glass.
- The majority of the parking for the development is located in two levels of enclosed parking beneath the building. There will be two areas of parking outside for visitors. One of the parking areas is located on the west side of the building and the other parking area is located on the east side of the building.
- The exterior materials of the principal structure will be brick, stone and metal. All four sides of the building will be compatible with one another.
- The east wall of the townhouses is over 25 feet in length and is blank. The Planning Division is recommending that the applicant design this wall to include windows, entries, recesses or projections, or other architectural elements.
- The building is approximately 670 feet long. The building has been designed to look like two buildings with a 3-story link connecting the two buildings. The link is located two stories above

grade. The applicant has also off-set the footprints of the “two” buildings so when viewing the building from any direction the massing will appear less.

- At least 20 percent of the first floor and at least 10 percent of the upper floors of all four sides of the building are required to be windows.
 - West Lake Street: The percentage of windows on the first floor of the building is 37 percent and the percentage of windows on the second through fifth floors of the building range between 16 and 35 percent.
 - West building wall: the percentage of windows on the first floor of the building is 23 percent and the percentage of windows on the second through fifth floors of the building range between 22 and 23 percent.
 - Midtown Greenway: the percentage of windows on the first floor of the building is 20 percent and the percentage of windows on the second through fifth floors of the building range between 16 and 24 percent.
 - East building wall: the percentage of windows on the first floor of the building is 21 percent and the percentage of windows on the second through fifth floors of the building range between 19 and 20 percent.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The majority of the roof line will be flat. However, the roof of the link area will be curved.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

PLANNING DEPARTMENT RESPONSE:

- The principal entrance to Building A is connected to the public sidewalk along West Lake Street by a stairway and an accessible ramp. The principal entrance to Building B is connected to the public sidewalk along West Lake Street through a series of walkways and lawn areas. Please note that a portion of the connection crosses over the drive aisle.
- There are no transit shelters on or adjacent to the site.
- All of the parking for the development is located in two level of enclosed parking beneath the building. The underground parking is accessed off of the internal driveway on the site.
- Twenty-three percent of the overall site is pervious. The impervious surface and landscaping requirements for this site are being met.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.

- Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 93,210 square feet. The footprint of the building is 40,361 square feet. When you subtract the footprint from the lot size the resulting number is 52,849 square feet. Twenty percent of this number is 10,570 square feet. The applicant has a total of 21,163 square feet of landscaping, or 40 percent of the site.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 21 and 106 respectfully. The applicant is providing a total of 23 canopy trees, 51 ornamental trees, 9 evergreen trees, 628 shrubs and 1,352 perennials and ornamental grasses.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. In the proposed parking lot on the west side of the building there is one parking space that is not located within 50 feet of an on-site deciduous tree. In addition, one of the tree islands located in the parking lot does not measure 7 feet in any every direction. The Planning Division is recommending that the applicant design this parking lot so that every parking space is located within

50 feet of an on-site deciduous tree and that all of the tree islands measure 7 feet in every direction. The proposed parking lot on the east side of the building meets both of these requirements.

- The applicant is proposing to install a 3.5 foot high decorative metal fence along portions of the property. The fence runs along the portions of the site where the retaining walls are located.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

PLANNING DEPARTMENT RESPONSE:

- The majority of the stormwater runoff will be drained to a StormTech system that will be installed on the site. The remainder of the stormwater runoff will be directed to the green space on the site.
- A lighting plan showing footcandles was not submitted as part of the application materials. The Planning Division is recommending that the applicant submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
- This building should not block views of important elements in the city. Although there are residential uses located on the north side of the greenway from the site, there are existing office buildings located along West Lake Street and Excelsior Boulevard that are between them and Lake Calhoun.
- This building should have minimal light and air effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To be in compliance with the CPTED guidelines, the landscaping plan should maintain a

“window” into the site between 3 and 7 feet and proper lighting should be located over all building entrances and exits.

- This site is neither historic nor located in a historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE:

- **Use:** The proposed use is conditional in the C2 District.
- **Off-Street Parking and Loading:** The zoning code requires 1.0 parking space per dwelling unit in the C2 District, resulting in a requirement of 123 spaces. The applicant proposes to have 167 parking spaces located in an underground parking garage. In addition, there will be 25 surface parking spaces for visitors.
- **Maximum Floor Area:** The maximum FAR in the C2 District is 1.7. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a FAR of 2.04. The lot in question is 93,210 square feet in area. The applicant proposes 188,720 square feet of gross floor area, an FAR of 2.02. In a Planned Unit Development the FAR may be increased up to 20 percent. The applicant is not seeking this exception to the Planned Unit Development section.
- **Building Height:** Building height in the C2 District is limited to 4 stories or 56 feet, whichever is less. Building height in the SH Shoreland Overlay District is limited to 2 stories or 35 feet, whichever is less. The applicant is proposing a 4-story building or approximately 52 feet.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the C2 zoning district is 900 square feet. Section 547.130 allows a 20 percent density bonus for enclosed parking. This development qualifies for the density bonus which, when calculated, would result in a minimum lot area of 720 square feet per dwelling unit. With 123 proposed dwelling units on a lot of 93,210 square feet, the applicant proposes 757 square feet of lot area per dwelling unit. In a Planned Unit Development the minimum lot area per dwelling unit may be reduced up to twenty percent. The applicant is not seeking this exception to the Planned Unit Development section.
- **Yard Requirements:** This development is located in the C2 zoning district. For residential uses with windows facing the interior side or rear yard property line the setback is $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these three sides of the building is 13 feet. The applicant is proposing to vary these setbacks.
- **Specific Development Standards:** There are no specific development standards for residential uses.
- **Hours of Operation:** Residential uses are not subject to hours of operation.

- **Signs:** Signs are subject to Chapter 543 of the Zoning Code. The applicant proposes no signage at this time.
- **Refuse storage:** The applicant is proposing to have a dumpster located inside the parking garage.

MINNEAPOLIS PLAN:

The site is designated as services - commercial in the comprehensive plan. This site is located on West Lake Street which is a designated Commercial Corridor. In addition, the site is located on the south side of the Midtown Greenway, an existing greenway. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Maintain and strengthen the character of the city's various residential areas (Policy 9.8).
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings (Implementation Step for Policy 9.8)
- Support efforts that recognize the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).

The applicant is proposing to construct a 123-unit condominium building along West Lake Street. The setback, orientation, materials and height of the building will be compatible with the surrounding structures. With the change to orient the principal entrance towards West Lake Street, the Planning Division believes that this development is in compliance with the foregoing policies of the comprehensive plan.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**

- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

PLANNING DEPARTMENT RESPONSE:

- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the building to be located more than 8 feet from the front property line. To maintain the residential character of the development the building has been setback between 20 and 24 feet. Within this setback there is landscaping.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a 5-story Planned Residential Development containing 123 dwelling units located at 3104 and 3106 West Lake Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the east interior side yard setback from the required 13 feet to a distance ranging between 7 feet and 13 feet for Building A and **approve** the variance to reduce the east interior side yard setback from the required 13 feet to 9 feet for the 2-story townhouse portion of the building located at 3104 and 3106 West Lake Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the west interior side yard setback from the required 13 feet to a distance ranging between 7 feet and 13 feet for portions of the building, patios and balconies located at 3104 and 3106 West Lake Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the rear

Department of Community Planning and Economic Development – Planning Division
BZZ-2345

yard setback along the north property line from the required 13 feet to 10 feet for patios and balconies located at 3104 and 3106 West Lake Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 3104 and 3106 West Lake Street subject to the following conditions:

1. The front entrance to the building shall be designed to face West Lake Street instead of the west interior property line as required by section 530.110 of the zoning code.
2. The sides of the stairways leading from the public sidewalk along West Lake Street to the front entrance are shall allow views through the stairway and shall be made of the same metal material as the balconies or of glass.
3. The applicant shall design the east wall of the townhouses so there is no blank, interrupted wall over 25 feet in length void of any windows, entries, recesses or projections, or other architectural elements as required by section 530.120 of the zoning code.
4. The applicant shall design the parking lot on the west side of the building so that every parking space is located within 50 feet of an on-site deciduous tree and that all of the tree islands measure 7 feet in every direction.
5. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.
6. Approval of the final site, landscaping and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
7. All site improvements shall be completed by June 27, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

Department of Community Planning and Economic Development – Planning Division
BZZ-2345

1. Statement of proposed use
2. Conditional use permit and variance findings
3. Building summary report
4. Context map
5. Shadow study
6. Preliminary Development review notes
7. April 18, 2005, letters to Council Member Goodman and the Cedar Isles Dean Neighborhood Association
8. Response letters from surrounding property owners
9. Zoning Map
10. Site plan, floor plans and elevations
11. Photographs of the site and surrounding area